

481821

This is the will exhibited to Thomas John Maxwell Woods and signed by him in the margin hereof at the "A" time of reswearing his affidavit.

Solicitor Sydney

Executor.

THIS IS THE LAST WILL AND TESTAMENT of me JOHN JAMES WOODS of Fairfield in the State of New South Wales Master Carrier and I HEREBY REVOKE all former wills and testamentary dispositions heretofore executed or made by me.

1. I APPOINT my son Thomas John Maxwell Woods to be the executor and trustee of this my will and in case he shall have died in my lifetime or shall be unable to act in the office of executor or trustee then I appoint my son David Lyle Woods to fill the vacancy in the office of executor and trustee in his place or stead AND I DECLARE that the expression "my trustee" shall include the executor and trustee for the time being of this my will whether original or substituted.

2. I GIVE DEVISE AND BEQUEATH all my shares in J.J. Woods & Sons Pty. Limited and my shares in Fairfield Pharmacy Pty. Limited and my land being lot 28A of a subdivision of lot 28 Section B on D.P. 2814 and being part of the land in Certificate of Title Volume 1152 Folio 227 delineated on a plan of subdivision approved by the council of the Municipality of Fairfield on 10th February 1956 and endorsed with Certificate of Approval No. 867 unto my trustees UPON TRUST as follows:-

- (i) My trustee shall pay the income thereof unto my wife Elizabeth Woods during her life.
- (ii) After the death of my wife my trustee shall transfer the whole of my shares in J.J. Woods & Sons Pty. Limited and my land being lot 28A aforesaid unto all such of my sons Thomas John Maxwell Woods, David Lyle Woods, and William Henry Woods as shall be living at my death in equal shares as tenants in common.
- (iii) Provided however that if any one or more of my said sons shall

This is the will marked "A" annexed to the affidavit of Walter Robert York sworn this day of 1958 before me

This is the will exhibited to Thomas John Maxwell Woods and signed by him in the margin hereof:

Executor

Solicitor Sydney

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have died in my lifetime leaving issue living at my death who have attained or shall attain the age of twenty-one years the child or children of the son so dying shall take by substitution and if more than one in equal shares between them as tenants in common the share of the said parts of my estate which the said son would have taken if he had survived me.

- (iv) After the death of my wife my trustee shall transfer the whole of my shares in Fairfield Pharmacy Pty. Limited unto my grandson John Jefferson Woods in his sole right absolutely upon attaining the age of twenty-one years. Provided however that if my said grandson shall die in my lifetime or shall survive me but die before attaining the age of twenty-one years the said gift shall lapse and shall be held upon the trusts hereinafter declared concerning my residuary estate.

3. I GIVE DEVISE AND BEQUEATH the whole of the rest and residue of my property both real and personal of whatsoever nature and kind and wheresoever situate to which I shall be entitled at my death or over which I shall have a general power of appointment by will unto my trustee UPON TRUST that he shall sell and convert the same into money at such time or times and in such manner as to him may seem expedient with power to postpone the sale and conversion of the whole or any part or parts of my estate including property of a terminable hazardous and wasting nature for so long as he shall think fit and with power to retain the same or any part thereof in the form of investment existing at my death without being responsible for loss and out of the clear moneys to arise from such

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sale and conversion as aforesaid and out of all other moneys and investments arising from or forming part of my estate my trustee shall pay and provide for the whole of my debts funeral and testamentary expenses and the whole of the death succession and estate duties both state and federal payable in consequence of my death and shall at his discretion invest the residue of the said moneys and all other moneys arising from or forming part of my estate in the name of my trustee and shall stand possessed of the residue of the said moneys and the investments for the time being representing the same and all parts of my estate for the time being remaining unsold upon the following trusts namely:-

(a) My trustee shall pay the income thereof unto my wife Elizabeth Woods during her life.

(b) From and after the death of my wife my trustee shall stand possessed of the capital and future income thereof upon trust for all of my children living at my death in equal shares as tenants in common.

4. Provided however that if any one or more of my children shall have died in my lifetime leaving issue living at my death who have attained or shall attain the age of twenty-one years such issue shall take by substitution and if more than one in equal shares as tenants in common the share of my residuary estate which such deceased child of mine would have taken in my residuary estate if he or she had been living at my death.

5. I DIRECT that if at my death any of the shares hereinbefore bequeathed shall by virtue of any amalgamation, reconstruction or

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rearrangement of capital or sale be represented by a different capital holding whether in the same company or in any other company or companies to which at my death I shall be entitled then the said respective legacies shall take effect as if they had been respectively the bequests of the capital holding or holdings which as the result of such amalgamation, reconstruction or rearrangement of capital or sale took the place of such shares.

6. I DECLARE that no part of any dividends or other moneys in the nature of income which shall be actually received after the date of my death shall be apportioned to or treated as capital of my estate and that the legal personal representatives of my wife shall not be entitled to receive any part of the dividends or moneys in the nature of income which shall actually be received after her death notwithstanding that the same may be paid in respect of a period wholly or partly prior to her death but the same shall belong to their persons who under the foregoing trusts would have been entitled thereto if the same had been immediately paid in respect of a period/subsequent to her death.

7. During the minority of any issue of a child of mine who if of the age of twenty-one years would be entitled in possession to a part of my estate under the foregoing trusts my trustee may from time to time pay or apply the whole of any part of the income of the expectant or presumptive share of such issue for or towards his or her education and maintenance or any benefit in life as my trustee shall in his absolute and uncontrolled discretion think fit with liberty to pay the same to the parent or guardian of such issue for the purpose aforesaid without being liable to see to the application thereof and my trustee may with the

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consent of my wife during her lifetime and at his discretion after her death raise the whole or any part or parts of the then expectant or presumptive share of any issue of mine in my estate and pay or apply the same for the maintenance advancement or any benefit of such issue.

8. Moneys forming part of my estate may be invested by my trustee in his name or under his legal control in any one or more of the following forms of investments with power to vary or transpose the investments into others of any nature hereby authorised namely:-

- (i) In any form of investment for the time being authorised by law for the investment of trust moneys.
- (ii) During the lifetime of my wife in any form of investment authorised by her in writing.
- (iii) In the shares or securities of any company in which I shall hold shares at my death or of any company in which as the result of any amalgamation reconstruction or rearrangement of capital any such company any shares shall be held by my trustee for the time being.
- (iv) In real estate property.

IN WITNESS to this my last will and testament I have hereunto set my hand this *eleventh* day of *May* one thousand nine hundred and *fifty-six*.

SIGNED by the testator as and for
his last will and testament in the
presence of us both present at the
same time who at his request in his
presence and in the presence of each
other have hereunto subscribed our
names as attesting witnesses:

J. J. Woods

[Signature]
Solicitor
Sydney

J. J. Saunders
Solicitor Sydney